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 BAY AREA RAPID TRANSIT DISTRICT

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

PATRICIA NASH,

Plaintiff,

vs.

BAY AREA RAPID TRANSIT DISTRICT, DOES  
 1- 40,

Defendants.

NO. C 05 5307 VRW

**DECLARATION OF DAVID  
 SANBORN IN SUPPORT OF  
 DEFENDANT'S MOTION FOR  
 SUMMARY JUDGMENT, OR  
 ALTERNATIVELY, PARTIAL  
 SUMMARY JUDGMENT**

I, David Sanborn, declare as follows:

1. I am the manager of the Environmental, Health and Safety Division of BART's System Safety Department. I have personal knowledge of the information contained below.
2. My Department is responsible for, among other things, tracking, reporting and analyzing safety in the BART system. We keep records of any and all reported accidents that take place in the BART system. We also keep statistics of accidents and patronage in our database. In August of 2004, BART was named the #1 transit system in America by the American Public Transportation Association (APTA) in the category of providing 30 million annual passenger trips or more.
3. Over the past seven years, over 600 million BART riders, including blind and visually impaired riders, were able to enter BART train cars safely without falling into the gap between two cars. BART statistics indicate that prior to plaintiff's fall, there were only two reported incidents involving visually impaired patrons falling through the gap between two BART cars during the past seven years. BART

1 has no records indicating that a blind person has ever been killed or severely injured as a result of falling  
2 between train cars on a platform.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
4 true and correct. Executed this 31 day of January 2008 in Oakland, California.

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7 DAVID SANBORN  
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